



AGENDA

Henderson City Council Short Regular Meeting
Monday, 28 January 2013, 6:00 p.m.
R. G. (Chick) Young, Jr. Council Chambers, Municipal Building
134 Rose Avenue
Henderson, North Carolina

Mayor and City Council Members

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, Jr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoc
Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Vernon L. Brown
Councilmember George M. Daye

City Officials

A. Ray Griffin, Jr., City Manager
John H. Zollicoffer, Jr., City Attorney
Esther J. McCrackin, City Clerk

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION AND PLEDGE OF ALLEGIANCE**
- IV. OPENING REMARKS**

In order to provide for the highest standards of ethical behavior and Transparency in Governance as well as provide for good and open government, the City Council has approved Core Values regarding Ethical Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

¹ **Core Value 4: Ethical Behavior:** We value the public trust and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.

² **Core Value 10: Transparency in Governance:** We value transparency in the governance and operations of the City.

ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

V. APPROVAL OF MINUTES

- a) 14 January 2013 Regular Meeting [See Notebook Tab 1]*

VI. PUBLIC COMMENT ON AGENDA ITEMS

Citizens may only speak on Agenda items at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident, and identify the Agenda Item about which you wish to speak on the sign-up sheet. Please review the Citizen Comment Guidelines that are provided on the last page of this Agenda.³

VII. NEW BUSINESS

- a) Consideration of Approval of Resolution 13-02, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2012. (CAF 13-02) [See Notebook Tab 2]*
- Resolution 13-02
- b) Consideration of Approval of Resolution 13-11, Appointments to the Henderson Vance Economic Development Commission and the Henderson Recreation and Parks Commission. (CAF 13-15) [See Notebook Tab 3]*
- Resolution 13-11
- c) Consideration of Approval of Resolution 13-12, Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations. (CAF 13-16) [See Notebook Tab 4]*
- Resolution 13-12
- d) Consideration of Approval of Resolution 13-13, Authorizing the Execution of the Memorandum of Agreement Between the North Carolina Sediment Control Commission and Local Government. (CAF 13-17) [See Notebook Tab 5]*
- Resolution 13-13
- e) Consideration of Approval of Resolution 13-14, Opposing Legislation that Provides for the Forced Taking of Municipal Water Systems. (CAF 13-18) [See Notebook Tab 6]*
- Resolution 13-14

X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on non-Agenda items only at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided on the last page of this Agenda.³

XI. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** Ward 3 Listen Post Report by Council Members Peace-Jenkins and Daeke [*See Notebook Tab 7*]
- c)** City Manager
 - i. Declaration of Surplus Property. (*CM 13-03*)[*See Notebook Tab 8*]
- d)** City Attorney
- e)** City Clerk
 - i. Calendar Notes and Schedule Update [*See Notebook Tab 9*]
 - ii. Various Departmental Reports
 - Henderson-Vance County 911

XIII. ADJOURNMENT

³ **Citizen Comment Guidelines**

The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

- 1)** Citizens are requested to limit their comments to five minutes; however, the Mayor, at his discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Council;
- 2)** Comments should be presented in a civil manner and be non-personal in nature, fact-based and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods;
- 3)** Citizens may not yield their time to another person;
- 4)** Topics requiring further investigation will be referred to the appropriate city official, Council Committee or agency and may, if in order, be scheduled for a future meeting agenda;
- 5)** Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager;
- 6)** Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted; and
- 7)** Citizens should not expect specific Council action, deliberation and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting agenda.

City Council Minutes - DRAFT

Regular Meeting

14 January 2013

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Garry D. Daeke, Vernon L. Brown, and George M. Daye.

ABSENT

Council Member Brenda Peace-Jenkins.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Henderson Water Reclamation Facility Director Tom Spain & Planning Director Erris Dunston.

CALL TO ORDER

The 14 January 2013 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:02 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised Mayor O'Geary a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Michael Rainey led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary welcomed everyone to the first meeting of the New Year and said Ms. Peace-Jenkins was not feeling well and unable to attend this evening.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. No requests were made to adjust the Agenda. Mayor O'Geary asked for the pleasure of Council. Council Member Rainey moved to accept the Agenda as presented. Motion seconded by Council Member Daeke and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Coffey moved the approval of the 10 December 2012 minutes as presented. Motion seconded by Council Member Daye and unanimously approved.

PUBLIC HEARING

Providing that Electronic Gaming Operations May Be Located Near Professional Training Schools for Adults. (*Reference: CAF 13-03; Ordinance 13-02*)

City Manager Griffin asked Planning Director Erris Dunston to apprise Council of the Planning Board's recommendation. Ms. Dunston emphasized this ordinance applies only to schools for adult students and said it was the unanimous decision of the Planning Board to support this change.

Council Member Rainey asked about the current law closing down internet cafés. City Attorney Zollicoffer said the court case is '*not a done deal*' and that loop holes exist which allow cafés to remain open.

With no further discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Mr. Jim Crawford, 509 College St, Oxford, owner of the property at 943-W. Andrews Avenue, who is requesting this change, said he did not feel amending the existing ordinance would create a problem since this affects adults only.

No one else came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

Mayor O'Geary then closed the Public Hearing and asked for Council's pleasure.

Council Member Daeke moved the approval of Ordinance 13-02, *Providing that Electronic Gaming Operations May Be Located Near Professional Training Schools for Adults*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Daeke, Brown and Daye. NO: Kearney. ABSTAIN: None. ABSENT: Peace-Jenkins. (*See Ordinance Book 8, p. 523*)

(Clerk's Note: Council Member Kearney felt internet cafés prey on the poor and could not support gambling and Council Member Coffey stated that although she was against gambling, adults make their own choices.)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to speak to Council on agenda matters.

NEW BUSINESS

Authorizing Bid Award for the Henderson Water Reclamation Facility Project to DeVere Construction Company, Inc., in the amount of \$15,519,000, and FY 13 Budget Amendment #22, Authorizing Additional Funds to the Henderson Water Reclamation Facility Project.
(Reference: CAF 13-12; Resolution 13-09; Ordinance 13-08)

City Manager Griffin asked Assistant City Manager Frank Frazier to lead the presentation and added Mr. Andy Lovingood from McGill would then add to the presentation. Mr. Frazier said six (6) bids were received for the project and it is recommended the project be awarded to DeVere Construction Company/. Mr. Frazier also said that once the bid award is approved, the bid will need to go before the NCDENR Infrastructure Division for final approval. Then Mr. Lovingood came forward. He said McGill appreciated working with the City staff on this project. Mr. Lovingood told Council that they have worked with (and currently are working with) DeVere Construction and feel they are responsible bidders with good references and properly licensure. Thus, McGill recommends awarding the contract to DeVere. If awarded the contract, the work will be based out of Raleigh, although their corporate office is in Michigan. Construction is anticipated to begin in March 2013 and near completion in November 2014.

Council Member Kearney asked where several of the bidders were located and what leverage the City had to encourage local hiring. Mr. Lovingood said there are State laws encouraging local help and also said the Infrastructure division would have input on this matter. Council Member Kearney then asked about the Davis Bacon Act.

City Attorney Zollicoffer asked that the record show that Alternatives 6-9 were added. He said he did not think the alternatives appeared in the resolution. Mr. Lovingood confirmed the addition of these alternatives. These alternatives were added to the agreement to ensure the contractor adheres to the Davis Bacon and Related Acts Provisions and Procedures.

Council Member Coffey asked how a company from Michigan could outbid local companies and went on to say she appreciated the income from out-of-towners having to stay at hotels and purchase meals. She also asked about the pay scale for those hired locally saying she did not want locals to be taken advantage of throughout the project. Mr. Lovingood said the contract

will have requirements which will be evaluated by the State's Infrastructure division and that the division will monitor the project monthly.

Mayor O'Geary then asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 13-09, *Authorizing Bid Award for the Henderson Water Reclamation Facility Project to DeVere Construction Company, Inc., in the Amount of \$15,519,000* and Ordinance 13-08, FY 13 Budget Amendment #22, *Authorizing Additional Funds to the Henderson Water Reclamation Facility Project*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins. (See Resolution Book 3, p. 119; Ordinance Book 8, p. 535)

(Clerk's Note: Prior to voting, Council Member Inscoe made the following comments. He said work on the wastewater plant was last done in 1982 and prior to that, 1962. This will be the first major overhaul in approximately 50 years which will result in some increases in utility costs to citizens. However, the alternative is to continue delaying work which would eventually lead to catastrophic failure. Mr. Inscoe said this is the time to be proactive.)

City Manager Griffin asked Henderson Water Reclamation Facility Director Tom Spain to stand to be recognized for his work over the last 32 years at the plant. Mr. Griffin complimented Mr. Spain for his ability to *work magic* to keep the plant in compliance. Mr. Spain has had to jury-rig many parts to keep the plant running and Mr. Griffin said he looks forward to December 2014 when the new plant will be up and running.

Mr. Spain accepted this recognition and shared his feelings that overall this should stabilize sewer rates and when the time comes, he will be proud to leave the City in a better situation.

Mr. Griffin then thanked Mr. Inscoe for his comments and added that this Council began to develop rate stabilization through raising rates incrementally over these next few years so when the debt service becomes due, we'll have the money in place. This new plant will place Henderson in a better position to handle future growth. He also thanked Mr. Lovingood and the firm of McGill and Associates because they found the funds and were extremely to help the City through the process. He also thanked Assistant City Manager Frazier for being the "glue" that coordinated and held the entire process together. He has been very valuable throughout this process. Mr. Griffin ended by saying this is indeed a red letter day for the City. He said he is very proud of both the Council and staff.

Council Member Coffey asked to go on record saying she hoped whoever sits on Council in the future will attend to maintenance as needed. Council Member Kearney said part of being proactive will be keeping citizens informed.

Amending Fund 73: Economic Development Capital Reserve Fund and Authorizing an Amendment to the Capital Reserves Economic Development Fund Increasing City's Share of Funding for Thermo King Water Line Project, EDP Prospect 12-2. (*Reference: CAF 13-10; Ordinance 13-07; Resolution 13-07*)

City Manager Griffin said this is not a new project to Council. Because the NC Rural Center reduced their grant to the project it is necessary for Council to consider contributing an additional \$1,000 which increases the City's total contribution to \$2,222 (rounded to \$2,300 for budget purposes).

There was no discussion. Mayor O'Geary then asked for the pleasure of Council.

Council Member Inscoe moved the approval of Ordinance 13-07, *Amending Fund 73: Economic Development Capital Reserve Fund* and Resolution 13-07, *Authorizing an Amendment to the Capital Reserves Economic Development Fund Increasing City's Share of Funding for Thermo King Water Line Project, EDP Prospect 12-2*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey, Daeke, Brown, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins. (*See Ordinance Book 8, p.533; Resolution Book 3, p. 115*)

CONSENT AGENDA

The City Clerk read the Consent Agenda, summarized as follows:

- a) **Supporting the 2013-2015 Funding for the Clean Water Management Trust Fund (CWMTF).** The CWMTF asked the City to adopt a resolution to show support of an increase in their recurring funding from the Governor and General Assembly for the 2013-2015 Biennial budget. (*Reference: CAF 13-08; Resolution 13-06*) (*See Resolution Book 3, p. 113*)
- b) **Tax Releases and Refunds from Vance County for the Month of November 2012.** The releases and refunds below are found to be in order and recommended for approval. (*Reference: CAF 13-04*)

November 2012 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Baskerville, Josephine	Correct Value	2010	\$ 146.25
Barrera, Sandro	Remove Late List	2012	\$ 3.89
Cruz, Ricardo	Remove Late List	2012	\$ 3.16
Falkner, John Henry II	Remove Late List	2012	\$ 4.53
Franklin, Melvin C	Remove Late List	2012	\$ 3.36
Frazier, Dwight M., Jr.	Remove Late List	2012	\$ 6.37
Garcia, Miquel	Pers Prop Billed	2012	\$ 34.78
McDaniel, Shirley J.	Adjust Value	2012	\$ 818.42
Rubio, Mera	Remove Late List	2012	\$ 3.16
Smith, B. Michael	Remove Late List	2012	\$ 11.76
Wells Fargo Financial Serv.		2012	\$ (0.27)
Zuniga, Felipe	Pers Prop Billed	2012	\$ 24.14
Total Releases/R & P Prop			\$ 1,059.55
Registered Vehides			
Refunds			
Creasman, Brian Keith	Pro-Rate	2012	\$ 3.10
Henderson, Kenneth Ray	Pro-Rate	2012	\$ 14.60
Kessler, James Roy	Pro-Rate	2012	\$ 1.47
White, Jessie Earl	Pro-Rate	2012	\$ 3.26
Total Refunds			\$ 22.43
Registered Vehicles			
Releases			
Creech-Brown, Robin	Pro-Rate	2011	\$ 2.92
Gregory, Rubin Boyd II	Pro-Rate	2011	\$ 12.25
Hargrove, Nannie Brand	Pro-Rate	2011	\$ 2.84
Harris, Cassandra Ann	Pro-Rate	2011	\$ 5.76
Hester, Ralph Thomas	Correct Situs	2011	\$ 932.38
Lemus, Israel Amaya	Pro-Rate	2011	\$ 8.35
Maldonado Maria Ines	Pro-Rate	2011	\$ 2.25
Roberson, Justine Wester	Pro-Rate	2011	\$ 1.73
Roberson, Leland Hayes	Pro-Rate	2011	\$ 0.93
Sub Total Reg Veh Releases			\$ 969.41

November 2012 Tax Releases Continued			
Name	Reason	Tax Year	Amount
Shivers, Shaquana Nichelle	Pro-Rate	2011	\$ 6.26
Steed, Angela Denise	Pro-Rate	2011	\$ 7.19
Woodard, Sherleen Terry	Pro-Rate	2011	\$ 2.43
Bailey, Latoya Mitchell	Pro-Rate	2012	\$ 14.94
Bates, Eric	Pro-Rate	2012	\$ 75.06
Fisher, Mamie Kersey	Pro-Rate	2012	\$ 5.85
Griffin, Linda Waddell	Pro-Rate	2012	\$ 3.85
Henderson, Kenneth Ray	Pro-Rate	2012	\$ 5.50
Keeter, Debra Lowe	Pro-Rate	2012	\$ 109.64
Perry, Wanda Cofield	Pro-Rate	2012	\$ 10.25
Yancey, Vivian Cox	Pro-Rate	2012	\$ 5.31
Total Reg Veh Releases			\$ 1,215.69
Total Reg Veh Releases			
& Refunds			\$ 1,238.12
Total All Release & Refunds			\$ 2,297.67

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There were no requests for removal. Mayor O'Geary asked for a motion to approve the consent Agenda as presented.

Council Member Inscoe moved the approval of the Consent Agenda as presented. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Daeke, Brown, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address City Council.

REPORTS

a) Mayor/Mayor Pro-Tem (No Report)

b) City Manager (No Report)

Promissory Note for Sanitary Sewer Project - Mr. Griffin felt Council should be aware of the executed Promissory Note related to the Sanitary Sewer Rehabilitation project and reminded Council that of the \$1,000,000 received, \$500,000 is a loan at 2% interest and the remainder is in the form of principal forgiveness. He asked the

Clerk to incorporate the Note into the minutes which are incorporated by reference and hereby made part of these minutes (See *Attachment A*)

c) City Attorney (No Report)

d) City Clerk – (No Report)

With no further discussion, Mayor O’Geary asked if Council was prepared to go into Closed Session and stated there would be no report following the session.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 6:34 p.m.

James D. O’Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

12/11/12

City of Henderson
Preliminary Schedule for Federal Revolving Loan
For Planning Purposes Only
Prepared by the Department of State Treasurer

Amount:	\$500,000	LGC Approval Date:	May 1, 2012
Term (Years):	20	Approval Amount:	\$1,000,000
Interest Rate:	2.00%	Loan Amount:	\$500,000
Est. Date of Completion:	May 7, 2012	Principal Forgiveness:	\$500,000
State Project Number:	E-SRF-T-12-0300	Certified Completion Date:	
	CS370410-05		

Fiscal Year	Outstanding Balance	Interest Rate	Nov. 1 Interest Payment	May 1 Interest Payment	May 1 Principal Payment	Total Payment
05/01/14	\$ 500,000.00	2.00%	\$ -	\$ 9,835.62	\$ 25,000.00	\$ 34,835.62
11/01/14	\$ 475,000.00	2.00%	\$ 4,750.00	\$ -	\$ -	\$ 4,750.00
05/01/15	\$ 475,000.00	2.00%	\$ -	\$ 4,750.00	\$ 25,000.00	\$ 29,750.00
11/01/15	\$ 450,000.00	2.00%	\$ 4,500.00	\$ -	\$ -	\$ 4,500.00
05/01/16	\$ 450,000.00	2.00%	\$ -	\$ 4,500.00	\$ 25,000.00	\$ 29,500.00
11/01/16	\$ 425,000.00	2.00%	\$ 4,250.00	\$ -	\$ -	\$ 4,250.00
05/01/17	\$ 425,000.00	2.00%	\$ -	\$ 4,250.00	\$ 25,000.00	\$ 29,250.00
11/01/17	\$ 400,000.00	2.00%	\$ 4,000.00	\$ -	\$ -	\$ 4,000.00
05/01/18	\$ 400,000.00	2.00%	\$ -	\$ 4,000.00	\$ 25,000.00	\$ 29,000.00
11/01/18	\$ 375,000.00	2.00%	\$ 3,750.00	\$ -	\$ -	\$ 3,750.00
05/01/19	\$ 375,000.00	2.00%	\$ -	\$ 3,750.00	\$ 25,000.00	\$ 28,750.00
11/01/19	\$ 350,000.00	2.00%	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00
05/01/20	\$ 350,000.00	2.00%	\$ -	\$ 3,500.00	\$ 25,000.00	\$ 28,500.00
11/01/20	\$ 325,000.00	2.00%	\$ 3,250.00	\$ -	\$ -	\$ 3,250.00
05/01/21	\$ 325,000.00	2.00%	\$ -	\$ 3,250.00	\$ 25,000.00	\$ 28,250.00
11/01/21	\$ 300,000.00	2.00%	\$ 3,000.00	\$ -	\$ -	\$ 3,000.00
05/01/22	\$ 300,000.00	2.00%	\$ -	\$ 3,000.00	\$ 25,000.00	\$ 28,000.00
11/01/22	\$ 275,000.00	2.00%	\$ 2,750.00	\$ -	\$ -	\$ 2,750.00
05/01/23	\$ 275,000.00	2.00%	\$ -	\$ 2,750.00	\$ 25,000.00	\$ 27,750.00
11/01/23	\$ 250,000.00	2.00%	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00
05/01/24	\$ 250,000.00	2.00%	\$ -	\$ 2,500.00	\$ 25,000.00	\$ 27,500.00
11/01/24	\$ 225,000.00	2.00%	\$ 2,250.00	\$ -	\$ -	\$ 2,250.00
05/01/25	\$ 225,000.00	2.00%	\$ -	\$ 2,250.00	\$ 25,000.00	\$ 27,250.00
11/01/25	\$ 200,000.00	2.00%	\$ 2,000.00	\$ -	\$ -	\$ 2,000.00
05/01/26	\$ 200,000.00	2.00%	\$ -	\$ 2,000.00	\$ 25,000.00	\$ 27,000.00
11/01/26	\$ 175,000.00	2.00%	\$ 1,750.00	\$ -	\$ -	\$ 1,750.00
05/01/27	\$ 175,000.00	2.00%	\$ -	\$ 1,750.00	\$ 25,000.00	\$ 26,750.00
11/01/27	\$ 150,000.00	2.00%	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00
05/01/28	\$ 150,000.00	2.00%	\$ -	\$ 1,500.00	\$ 25,000.00	\$ 26,500.00
11/01/28	\$ 125,000.00	2.00%	\$ 1,250.00	\$ -	\$ -	\$ 1,250.00
05/01/29	\$ 125,000.00	2.00%	\$ -	\$ 1,250.00	\$ 25,000.00	\$ 26,250.00
11/01/29	\$ 100,000.00	2.00%	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00
05/01/30	\$ 100,000.00	2.00%	\$ -	\$ 1,000.00	\$ 25,000.00	\$ 26,000.00
11/01/30	\$ 75,000.00	2.00%	\$ 750.00	\$ -	\$ -	\$ 750.00
05/01/31	\$ 75,000.00	2.00%	\$ -	\$ 750.00	\$ 25,000.00	\$ 25,750.00
11/01/31	\$ 50,000.00	2.00%	\$ 500.00	\$ -	\$ -	\$ 500.00
05/01/32	\$ 50,000.00	2.00%	\$ -	\$ 500.00	\$ 25,000.00	\$ 25,500.00
			\$ 47,250.00	\$ 57,085.62	\$ 475,000.00	\$ 579,335.62

NOTE: The first interest payment is calculated for the period May 7, 2013 to May 1, 2014 on a 365-day basis (359 days). Subsequent interest payments are calculated on a six-month basis.

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan 13 Regular Meeting

22 January 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: **CAF: 13-02**

Consideration of Approval of Resolution 13-02, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2012.

Ladies and Gentlemen:

Recommendation:

- Approval of Resolution 13-02, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2012.

Executive Summary

Mr. Curtis Averette, Certified Public Accountant with William L. Stark and Company has conducted the audit of the basic financial statements of the City of Henderson and will report his findings at tonight's meeting.

Highlights of the Comprehensive Annual Financial Report (CAFR) are as follows:

- a. Total assets exceeded total liabilities (for all funds) by \$82,440,581.
- b. The General Fund Balance (excluding Powell Bill, Federal Asset Forfeitures, Reserved by State Statute, and Assigned for Subsequent Year's Expenditures) totaled \$2,005,613, an increase of \$21,905 over last year's total. This "unassigned" fund balance represents 15.11% of the fiscal year expenditures. This is the City's "conservative" fund balance percentage. Per the Local Government Commission's (LGC) computation, the fund balance percentage would be 25.49% (compared to the required 8%).

Enclosures:

1. Resolution 13-02
2. FY 2011-2012 Audit (to be presented at meeting)

RESOLUTION

13-02

A RESOLUTION RECEIVING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY ENDING JUNE 30, 2012

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2013 and during said Retreat identified eight Key Strategic Objectives (KSO) and 12 Core Values and Principals That Guide Our Work; *and*

WHEREAS, this Resolution addresses CV 10: Transparency in Governance; *and*

WHEREAS, Mr. Curtis Averette, Certified Public Accountant with William L. Stark and Company has conducted the audit of the basic financial statements of the City of Henderson; *and*

WHEREAS, the Comprehensive Annual Financial Report for FY ending June 30, 2012 has been prepared; *and*

WHEREAS, the FY12 Audit has been submitted to and approved by the North Carolina Local Government Commission; *and*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY RECEIVE the Comprehensive Annual Financial Report for FY ending June 30, 2012

The foregoing Resolution 13-02, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the 28th day of January 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, pp. **.*

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 January 13 Reg. Meeting

24 January 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 13-15

Consideration of Approval of Resolution 13-11, Appointments to the Henderson Vance Economic Development Commission and the Henderson Recreation and Parks Commission.

Ladies and Gentlemen:

Recommendation:

- Approval of Resolution 13-11, Appointments to the Henderson Vance Economic Development Commission and the Henderson Recreation and Parks Commission.

Executive Summary

The Boards and Commissions' Committee (B&CC) met on 23 January 2013 to review the applications for the two above mentioned commissions and recommends the following appointments:

Henderson Vance Economic Development Commission

Mr. Robert D. Herford – Appoint to fill the unexpired term of now Council Member James Kearney, effective now through 30 June 2013 and then for a subsequent full three-year term expiring 30 June 2016.

Henderson Recreation and Parks Commission

Ms. Hilda Delbridge – Appoint to fill the 2012 expired term of Jeffrey Tate for a full three-year term expiring 30 June 2016 to meet the Boards and Commissions Committee's desire to maintain staggered terms.

Enclosures:

1. Resolution 13-11
2. Applications

RESOLUTION 13-11
A RESOLUTION MAKING APPOINTMENTS TO THE FOLLOWING
COMMITTEES/COMMISSIONS: HENDERSON VANCE ECONOMIC
DEVELOPMENT COMMISSION AND HENDERSON RECREATION
AND PARKS COMMISSION

WHEREAS, the Henderson City Council (Council) has created several boards and commissions as a means to include citizen input to and participation within the governance process;
and

WHEREAS, the Council periodically appoints individuals to serve on said boards and commissions; *and*

WHEREAS, there are vacancies on the following Committees/Commissions: Henderson Vance Economic Development Commission and the Henderson Recreation and Parks Commission; *and*

WHEREAS, applications have been received and reviewed by the Council's Boards and Commissions Committee for available positions.

NOW THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY appoint the following individuals:

1. Ms. Hilda Delbridge, a city resident living at 1905 Valley View Drive, Henderson, to fill the 2012 expired term of Jeffrey Tate for a full three-year term expiring on 30 June 2016 to meet the Boards and Commissions Committee's desire to maintain staggered terms in each board/committee/commission.
2. Mr. Robert D. Herford, a city resident living at 917 Meadow Lane, Henderson, to fill the unexpired term of now Council Member James Kearney, effective now through 30 June 2013 and then for a subsequent full term expiring 30 June 2016.

The foregoing Resolution 13-11, upon motion of Council Member *** and second by Council Member *** and having been submitted to a roll call vote, received the following votes and was _____ on this the ___ day of _____ 2013: YES: NO: ABSTAIN: ABSENT:.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney
*Reference: Minute Book 42, p **; CAF 13-15*

Appt'd

Rec'd
1/14/13

CITY OF HENDERSON
Application for Boards/Commissions/Committees

Please complete each section

Full Name ROBERT D. HERFORD Date of Birth 7/30/1938

Home Address 917 MEADOW LANE

Home Phone 252-492-3222 City of Henderson Resident: ☒ Yes ☐ No

Current Employers ROBERT D HERFORD

Job Title CONSULTANT IN CORPORATE FINANCE & STRATEGY Years in current position 38

Business Phone 252 492-4180 Fax 492-3222

E-Mail Address RD HERFORD@YAHOO.COM

Duties _____

Other employment history AMERICAL CORPORATION 1969-1974

It is the City Council's goal to maintain a balance of membership on its Boards/Commissions/Committees based on race, gender and Council Ward residency.

Council Ward No. 2

Male ☒ Female ☐

White ☒ Black ☐ Hispanic ☐ Native American ☐ Asian ☐ Other ☐

Board/Commission/Committee Applying for (list only one per form)

ECONOMIC DEVELOPMENT COMMISSION

Generally, the Council desires to broaden participation on Boards/Commissions/Committees for as much citizen involvement as possible; therefore, the goal is to limit appointees to no more than two (2) Boards/Commissions/Committees. Please list any other Board/Commission/Committee on which you currently serve: CHM VANCO COUNTY BOND COMMISSION

Why are you interested in serving on this Board/Commission/Committee? _____

HELP BRING BUSINESS TO HENDERSON

DO NOT SUBMIT RESUMES/ATTACHMENTS
(OVER)

Please share how your Interests/Skills/Areas of Expertise/Professional Organizations/Activities will contribute to this Board/Commission.

50 YEARS OF BUSINESS IN MKA AND LOCATING
BUSINESSES

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

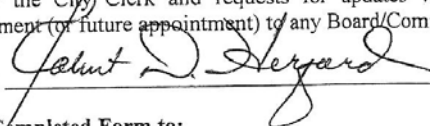
Yes _____ No X If yes, please explain disposition: _____

Are there any conflicts of interest or other matters that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council? Yes _____ No X

If yes, please explain: I DO OWN A LARGE BUILDING WHICH
COULD BE USED BY INCOMING BUSINESSES

I understand this application is public record, and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Board/Commission/Committee is important and accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee, it is expected that I will attend at least 75% of all meetings during any one fiscal year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature



Date:

1/14/13

Form is invalid if not signed and dated

Return Completed Form to:

Esther J. McCrackin

City Clerk

134 Rose Avenue

P O Box 1434

Henderson, NC 27536

Phone: (252) 430-5705 Fax: (252) 492-7935 Email: emccrackin@ci.henderson.nc.us

Do not submit any resumes or attachments

Applicants are required to be a resident of the City of Henderson

Form Approved by City Council on 10-23-00
Last Update: 9/8/11
Cityclerk/applicationforboardsaug201011-8-10

rec'd
9/20/12

CITY OF HENDERSON
Application for Boards/Commissions/Committees

Please complete each section

Full Name Hilda Joyner Delbridge Date of Birth 9/26/1945
Home Address 1905 Valley View Drive, Henderson, N.C. 27536
Home Phone 252-492-6846 City of Henderson Resident: ☒ Yes ☐ No
Current Employers 2 part-time jobs Henderson Country Club, Cross Roads Christian School
Job Title Tennis Co-ordinator (HCC) Varsity Tennis Coach Years in current position 3 yrs
Business Phone _____ Fax _____
E-Mail Address hilda.delbridge@gmail.com
Duties At Henderson Country Club - maintain clay tennis courts - run summer camp (tennis) Cross Roads - Varsity girls tennis; middle school basketball
Other employment history 42 years Vance County Schools - Taught health, physical education, coached tennis, basketball, softball
It is the City Council's goal to maintain a balance of membership on its Boards/Commissions/Committees based on race, gender and Council Ward residency.

Council Ward No. _____

Male _____ Female ☒

White ☒ Black _____ Hispanic _____ Native American _____ Asian _____ Other _____

Board/Commission/Committee Applying for (list only one per form)

Henderson - Vance Recreation and Parks Commission

Generally, the Council desires to broaden participation on Boards/Commissions/Committees for as much citizen involvement as possible; therefore, the goal is to limit appointees to no more than two (2) Boards/Commissions/Committees. Please list any other Board/Commission/Committee on which you currently serve: NONE

Why are you interested in serving on this Board/Commission/Committee? Taught sports in public and private sector - 45 yrs. My own children were very active in rec sports; feel like I would be an advocate for all ages in recreational needs in our county.

DO NOT SUBMIT RESUMES/ATTACHMENTS
(OVER)

Interests/Skills/Areas of Expertise/Professional Organizations/Activities _____

Last 26 years of my career - interest has been in tennis high school
coach, tennis clinics for 4-H, HCC, and Crossroads, as well as private
lessons - last 25 yrs - more varied Basketball, softball - Rec sports and
church sports - Member of PTR
Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes _____ No ☒ If yes, please explain disposition: _____

Are there any conflicts of interest or other matters that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council? Yes _____ No ☒

If yes, please explain: _____

I understand this application is public record, and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Board/Commission/Committee is important and accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee, it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature Heather J. Deebudge Date: 9/19/2012
Form is invalid if not signed and dated

Return Completed Form to:

Esther J. McCrackin
City Clerk
134 Rose Avenue
P O Box 1434
Henderson, NC 27536
Phone: (252) 430-5705 Fax: (252) 492-7935 Email: emccrackin@ci.henderson.nc.us

Do not submit any resumes or attachments
Applicants are required to be a resident of the City of Henderson

Last Update: 11-8-10
Cityclerk/applicationforboardsaugust201011-8-10

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan 13 Short Reg.Meeting

23 January 2012

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 13-16

Consideration of Approval of Resolution 13-12, Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations

Ladies and Gentlemen:

Council Core Values Addressed By This Item:

- CV 1: Agreement - Mayor, City Council and City Manager Roles, Responsibilities and Expectations.
- CV 5: Respectful of Others
- CV 7: Teamwork and Collaborative Efforts

Recommendation:

- Approve Resolution 13-12, Agreement setting forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations

Executive Summary

During the recent Council Strategic Planning Retreat held on 22 January 2013, Facilitator Becky Veazey conducted a session reviewing the roles, responsibilities and expectations of the Mayor, City Council and City Manager. The consensus was to make minor amendments and approve Agreement of roles, responsibilities and expectations of the Mayor, City Council and City Manager as amended. The Attached Resolution formalizes the consensus achieved at Retreat.

Enclosures:

1. Resolution 13-12

RESOLUTION

13-12

A RESOLUTION APPROVING THE AGREEMENT SETTING FORTH MAYOR, CITY COUNCIL AND CITY MANAGER ROLES, RESPONSIBILITIES AND EXPECTATIONS

WHEREAS, the City Council conducted its annual Strategic Planning Retreat on 23 January 2013 at the Aycock Recreation Center in Henderson; and

WHEREAS, during the Strategic Planning Retreat, the Mayor, City Council Members and City Manager reviewed the *Agreement* setting forth the Mayor, City Council and City Manager Roles, Responsibilities and Expectations (*Agreement*), said *Agreement* more fully articulated in *Attachment A* to this Resolution; and

WHEREAS, upon review of the *Agreement* at the Planning Retreat, there were several suggested changes as follows:

Section III - City Council's and Mayor's Needs and Expectations of City Manager

1. Add a new Item "n"- *Let Council/Mayor know when City Manager sees potential problems in their actions or direction.*

Section IV - City Manager's Needs and Expectations of Mayor a & City Council

1. Add to Item "b" - *Be willing to discuss undiscussable issues.*
2. Add a new Item "i" - *Help City Manager and staff establish and maintain competitive compensation for employees.*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the above amended *Agreement* outlining the Mayor, City Council and City Manager Roles, Responsibilities and Expectations, said *Agreement* being more fully articulated in *Attachment A* to this Resolution.

The foregoing Resolution 13-12, introduced by Council Member ***** and seconded by Council Member ***** on this the 13th day of February 2012, and having been submitted to a roll call vote, was ***** by the following votes: Yes: No: Absent: Abstain:

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk
Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, p. **.*

RESOLUTION 12-09

Attachment “A”



*Mayor and City Council
Henderson, North Carolina*

A G R E E M E N T MAYOR, CITY COUNCIL and CITY MANAGER ROLES, RESPONSIBILITIES and EXPECTATIONS

*Reviewed
23 January 2013
City Council Strategic Planning Retreat*

*28 January 2013
Regular City Council Meeting*

James D. O’Geary
Mayor

Sara M. Coffey
Council Member

Michael C. Inscoe
Council Member

Brenda G. Peace
Council Member

Vernon L. Brown.
Council Member

James C. Kearny, Sr.
Council Member

D. Michael Rainey
Mayor Pro Tem

Garry D. Daeke
Council Member

George M. Daye
Council Member

A. Ray Griffin, Jr.
City Manager



CONTENTS

- I. City Council’s Needs and Expectations of Other Council Members
- II. City Council’s Needs and Expectations of the Mayor
- III. City Council’s and Mayor’s Needs and Expectations of City Manager
- IV. City Manager’s Needs and Expectations of Mayor and City Council
- V. Agreement

I. City Council's Needs and Expectations of Other Council Members

- a. Be open minded; listen to other people's ideas; open to hearing the interests of the other side (open to new approaches, exchanges)
- b. Be honest with yourself; openly advocate for your ideas
- c.
- d. Share your positions on issues with other Council Members openly
- e. Be a good listener, whether you agree or not
- f. Be respectful of other Council Members; do not take it personally when someone disagrees with you
- g. Do not go to the spotlight; share the glory and the pain; do not worry who gets credit for a good idea
- h. Do not take over the Mayor's role; let the Mayor do his job
- i. Be approachable so people, citizens and other Council Members are not intimidated by you (be open minded and a good listener)
- j. Be careful when giving advice/promises to citizens; make sure citizens know that decisions are made by the full Council, not individuals
- k. Do not create factions on the Council; do not collude against another group; work to be a united team working for the good of the City
- l. Do not be offended by the re-stating or clarifying of ideas
- m. Investigate the facts of issues before making decisions/taking actions; research and be prepared to discuss and make decisions on issues that come before the Council; do not be afraid to ask for more time if needed to insure a good decision
- n. Focus on what is best for the City; tie decisions back to our greater vision for the City
- o. Give each other a pat on the back; focus on building a team; appreciate each other
- p. Respect the votes and convictions of others
- q. Accept reality; accept the limitations on resources and our time
- r. Rely on the professional staff to fulfill their role; use the resource they represent; do not micro-manage staff or insert yourself into the day to day administration of the City; go to/through the manager for administrative matters; be aware of and follow the roles of the Council/Manager form of government

- s. Take responsibility to make the policy decisions before us; have the courage to participate in touchy issues
- t. Provide recognition and appreciation to staff for their good performance
- u. Address or initiate issues and concerns with other Council Members; do not let concerns linger and build

II. City Council's Needs and Expectations of Mayor

- a. Be a cheer leader for the City
- b. Focus on City needs/priorities and vision; help us create/be clear on our vision and stay focused
- c. Keep us informed on issues that affect us
- d. Share your thoughts, opinions and feelings with us
- e. Preside over meetings in a way that keeps us professional, efficient, effective and focused
- f. Avoid being dictatorial
- g. Keep an open door policy for citizens and Council Members; be approachable; be open to listen to everyone and seen as approachable to everyone
- h. Be an effective spokesperson for the City with other governmental agencies, the press and others
- i. Do not overdo it and burn yourself out

III. City Council's and Mayor's Needs and Expectations of City Manager

- a. Fairness in City government (hiring and firing/keeping with policy) and continue to have a listening ear for all
- b. Effectively communicate with all members of the City Council; respond to requests in a timely fashion
- c. Take the time to listen to others; take a mutual approach (Manager not better/above Council, Mayor or citizens) helps citizens feel like they are important
- d. Build/develop staff; help create a staff with knowledge and expertise; build an effective team between yourself and staff and between staff and Council

- e. Apply/relay your knowledge and experience from past to address the issues we face
- f. Continue to take a positive approach to dealing with issues
- g. Continue to handle difficult situations calmly
- h. Have and show confidence in City staff
- i. Stay consistent with your good performance
- j. Continue to take a long term vision approach to managing the City
- k. Be seen as an active and visible citizen of the community
- l. Help us establish and maintain competitive compensation for staff
- m. Keep Council and Mayor advised on any way it is not meeting the needs of the City Manager, staff or City.
- n. Let Council/Mayor know when City Manager sees potential problems in their actions or direction

IV. City Manager's Needs and Expectations of Mayor and City Council

- a. Keep your commitments on how you will work with each other (review them from time-to-time)
- b. Let us bring you the good news and the difficult news; do not shoot the messenger; rather, work together (Council, Mayor, Manager and Staff) to find effective solutions and courses of action; be willing to discuss undiscussable issues
- c. Need Mayor and City Council's support, patience and understanding as we implement performance excellence (Baldrige concepts)
- d. Keep doing what you are doing; your interests and support help us be successful
- e. Continue to share your concerns and frustrations; put all issues on the table and let's work together on them
- f. Work together to deploy the strategic plan and to periodically review and revise it so that it always provides a visionary structure for the city and the City organization
- g. Thank you for the work you have done to create an effective and fun work environment

- h. Discuss agenda items with City Manager so full picture is perceived prior to meeting.
- i. Help City Manager and staff establish and maintain competitive compensation for employees

V. Agreement

- a. We, as Mayor, Council Members and City Manager agree to live by these tenants.

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan13 Short Reg. Meeting.

24 January 2013

TO: The Honorable Mayor James D.O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 13-17

Consideration of Approval of Resolution 13-13, Authorizing the Execution of the Memorandum of Agreement Between the North Carolina Sediment Control Commission and Local Government

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 5 – Provide Reliable, Dependable Infrastructure: *To provide reliable, dependable and environmentally compliant infrastructure systems.*

Recommendation:

- Approval of Resolution 13-13, Authorizing the Execution of the Memorandum of Agreement Between the North Carolina Sediment Control Commission and Local Government\

Executive Summary

The Memorandum of Agreement is between all local governments and the NC Sedimentation Control Commission to clarify the roles and responsibilities of each entity in the enforcement of the Sedimentation Pollution Control Act of 1973, the NC General Statutes Chapter 113A, Article 4 and any rules adopted pursuant to the Sedimentation Pollution Control Act (SPCA). This memorandum is required to be signed by all local governments that have an approved erosion and sedimentation control program for local review and permitting.

The City program meets the existing regulations and already has an approved sediment control ordinance (Chapter 23-A of City Code which can be viewed in its entirety on the City's website at www.ci.henderson.nc.us).

Enclosures

1. Resolution 13-13

RESOLUTION 13-13

A RESOLUTION AUTHORIZING THE EXECUTION OF THE MEMORANDUM OF AGREEMENT BETWEEN THE NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION AND LOCAL GOVERNMENT

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2013, and during said retreat identified eight Key Strategic Objectives (KSO) and Goals and 12 Core Values; *and*

WHEREAS, this Resolution addresses one of the Key Strategic Objectives as follows: **KSO 5:** To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems; *and*

WHEREAS, the local government is the City of Henderson; *and*

WHEREAS, the City of Henderson has an existing Erosion and Sedimentation Control ordinance in place in City Code Chapter 23A; *and*

WHEREAS, the City of Henderson is in full compliance with all current regulations with the NC Sedimentation Control Commission; *and*

WHEREAS, the Memorandum of Agreement is only to clarify the existing roles for the City and the NC Sedimentation Control Commission in regards to the Sedimentation Pollution Control Act of 1973.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby authorize the Mayor and the Mayor Pro-Tem to sign the Memorandum of Agreement between the North Carolina Sedimentation Control Commission and Local Government being more fully articulated in **Attachment A** to this Resolution.

The foregoing Resolution 13-13, upon motion of Council Member *** and second by Council Member *** and having been submitted to a roll call vote, received the following votes and was _____ on this the ____ day of _____ 2013: YES: NO: None. ABSTAIN: None. ABSENT: None.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney
*Reference: Minute Book 42, p **; CAF 13-17*

MEMORANDUM OF AGREEMENT

BETWEEN

THE NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION

AND

LOCAL GOVERNMENT

This MEMORANDUM OF AGREEMENT is entered into between the **North Carolina Sedimentation Control Commission** (hereinafter, "Commission") and ***Local Government*** (hereinafter, "Local Government," collectively, "Parties") for the purpose of clarifying their roles in the enforcement of the Sedimentation Pollution Control Act of 1973, N.C. Gen. Stat. Ch. 113A Art. 4 and any rules adopted pursuant to the Act (hereinafter collectively, "SPCA.")

Part I. Local Program Creation.

A. Model Ordinance

The Parties agree that the Commission shall do the following:

1. Per N.C. Gen. Stat. § 113A-54(1), provide a model erosion and sedimentation control ordinance (hereinafter, "model ordinance") for adoption by local governments who wish to operate a delegated local sedimentation and erosion program (hereinafter, "local program.")
2. Update its model ordinance upon changes in the SPCA.

B. Proposed Ordinance Review

The Parties agree that:

1. Local governments who choose to create and operate a local program may do so by ordinance (hereinafter, "local program ordinance".) However, the local government must submit the proposed local program ordinance to the Commission staff for review prior to adoption. Local governments must adopt the ordinance prior to submission to the Commission for approval.
2. North Carolina General Statute § 113A-60(b) requires the Commission to review, approve, approve as modified, or disapprove proposed local program ordinances based upon the minimum requirements of the SPCA.
3. The Commission shall review a local program ordinance submitted and, within 90 days of receipt thereof, shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved.

4. The local program's erosion and sedimentation control standards must equal or exceed those of the SPCA.

Part II. Responsibilities and Expectations of the Commission.

A. Local Program Review

The Parties agree that the Commission shall do the following:

1. Review periodically approved local programs for compliance with the SPCA. The results of the reviews shall be presented at the next quarterly meeting of the Commission.
2. If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement.
3. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

B. Training and Education for Local Programs

The Parties agree that the Commission shall provide the following:

1. Educational programs in erosion and sedimentation control directed toward persons engaged in land-disturbing activities, general educational materials on erosion and sedimentation control, and instructional materials for persons involved in the enforcement of the SPCA and erosion and sedimentation control rules, ordinances, regulations, and plans.
2. Manuals and publications to assist in the design, construction and inspection of erosion and sedimentation control measures.
3. Periodic reviews of local erosion and sedimentation control programs and through the reviews provide recommendations to improve program administration.
4. Technical assistance in review of draft erosion and sedimentation control plans for complex activities.

C. Concurrent Jurisdiction

The Parties agree that the Commission shall maintain concurrent jurisdiction with the local government for land-disturbing activities and may take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

Part III. Responsibilities and Expectations of the Local Government.

A. Enforcement

The Parties agree that the local government shall administer its own local program ordinances, through the following:

1. Enforce the provisions of the SPCA.
2. Administer the SPCA for all land-disturbing activity within its jurisdiction, including existing sites at the time the local government received program delegation. The Commission may continue to administer the SPCA over specific projects under enforcement action upon mutual agreement with the local government. The local program is not responsible for activities over which the Commission has exclusive jurisdiction.
3. Employ a sufficient number of qualified personnel. Qualified personnel shall be competent to review sedimentation and erosion control plans and conduct inspections of land-disturbing activities.
4. Provide adequate resources for plan review and compliance inspections.

B. Reporting

The Parties agree that the local government shall provide the following reports/information:

1. Monthly activity report to the Commission in the form adopted by the Commission.
2. Copy of all Financial Responsibility/Ownership forms to the Division of Water Quality (DWQ) when draft erosion and sedimentation control plans are received.
3. Copy of Notices of Violation to the appropriate regional office of DWQ.
4. Current contact information for their local program to the Division of Energy, Mineral and Land Resources.

C. Sediment and Erosion Control Plans for Land-Disturbing Activity Review

The Parties agree that the local government shall review erosion and sedimentation control plans for land-disturbing activity (hereinafter, "plans") submitted to its local program under the following standards:

1. Review plans within 30 days of receipt of a new plan and within 15 days of a revised plan.
2. Approve, approve with modifications, approve with performance reservations, or disapprove draft plans in conformance with the basic control objectives contained in 15A NCAC 04B .0106.
3. Notify in writing the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations or disapproved within 30 days of receipt of a new plan and within 15 days of a revised plan.

4. Include in written notifications of plan approval the following:
 - a. reference to NPDES General Stormwater Permit NCG 010000,
 - b. expiration date of the approval,
 - c. the right of periodic inspection, and
 - d. condition the approval upon the applicant's compliance with federal and State water quality laws, regulations and rules.
5. Enclose with all written permit notifications the following
 - a. NPDES General Stormwater Permit NCG 010000, and
 - b. Certificate of Approval for posting at the site of the land-disturbing activity.

D. Inspection

The Parties agree that the local government shall inspect all sites undergoing land-disturbing activity under the following standards:

- a. Periodically and regularly inspect sites undergoing land-disturbing activity within its jurisdiction. Periodically and regularly means with sufficient frequency to effectively monitor compliance with the SPCA and rules adopted pursuant to the SPCA and the local erosion and sedimentation control ordinance.
2. Document all inspections in writing, including electronic documents.
3. Inspection reports shall include, at a minimum, all information in the model sedimentation inspection report developed by the Commission.
4. Maintain inspection records for active projects in accordance with State and local record retention policies.

E. Enforcement

The Parties agree that the local government shall enforce its local program ordinance under the following standards:

1. Issue Notices of Violation (hereinafter, "NOV") for any significant violation of the SPCA, rules adopted pursuant to the SPCA, or the local erosion and sedimentation control ordinance documented in an inspection report. An NOV shall be issued to the persons responsible for the violations, pursuant to N.C. Gen. Stat. § 113A-61.1.
2. The NOV shall specify the following:
 - a. describe the violation with reasonable particularity
 - b. request that all illegal activity cease
 - c. the actions that need to be taken to comply with the SPCA and the local ordinance

- d. a date by which the person must comply with the SPCA and the local ordinance
 - e. inform the violator that any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and the local ordinance
3. Undertake appropriate enforcement actions, including injunctive relief, or assessment of civil penalties for an initial penalty or a daily penalty for continuing violations.
 4. Require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

[This space left intentionally blank.]

IN WITNESS HEREOF, the Parties enter into this Memorandum of Agreement, this the _____ day of _____ 2012.

SEDIMENTATION CONTROL COMMISSION

LOCAL GOVERNMENT

By: _____
Robin K. Smith
Chair
Dated: _____

By: _____
Name #1
Mayor/Council Chair/Commissioner
Dated: _____

**DIVISION OF ENERGY, MINERAL AND LAND
RESOURCES**

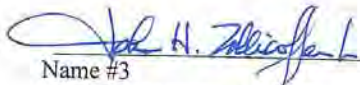
By: _____
Tracy E. Davis
Director
Dated: _____

By: _____
Name #2
Mayor/Council Chair/Commissioner
Dated: _____

Approved as to Form

Approved as to Form

Counsel to the Commission
Dated: _____


Name #3
Local Government Attorney
Dated: _____

Appendix I.

NORTH CAROLINA GENERAL STATUTES *Sedimentation Pollution Control Act* (Ch. 113A Art. 4) (selected statutes)

§ 113A-54. Powers and duties of the Commission.

- (d) In implementing the erosion and sedimentation control program, the Commission shall:
- (1) Assist and encourage local governments in developing erosion and sedimentation control programs and, as a part of this assistance, the Commission shall develop a model local erosion and sedimentation control ordinance. The Commission shall approve, approve as modified, or disapprove local programs submitted to it pursuant to G.S. 113A-60.

§ 113A-56. Jurisdiction of the Commission.

- (a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:
- (1) Conducted by the State.
 - (2) Conducted by the United States.
 - (3) Conducted by persons having the power of eminent domain other than a local government.
 - (4) Conducted by a local government.
 - (5) Funded in whole or in part by the State or the United States.
- (b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other State agency that has submitted an erosion and sedimentation control program to be administered by it, if the program has been approved by the Commission as being in conformity with the general State program.
- (c) The Commission shall have concurrent jurisdiction with local governments that administer a delegated erosion and sedimentation control program over all other land-disturbing activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the Commission has the following authority with respect to a delegated erosion and sedimentation control program:
- (1) To review erosion and sedimentation control plan approvals made by a delegated erosion and sedimentation control program and to require a

revised plan if the commission determines that a plan does not comply with the requirements of this Article or the rules adopted pursuant to this Article.

- (2) To review the compliance activities of a delegated erosion and sedimentation control program and to take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

(1973, c. 392, s. 7; c. 1417, s. 4; 1987, c. 827, s. 130; 1987 (Reg. Sess., 1988), c. 1000, s. 4; 2002-165, s. 2.5; 2006-250, s.2.)

§ 113A-60. Local erosion and sedimentation control programs.

- (a) A local government may submit to the Commission for its approval an erosion and sedimentation control program for its jurisdiction, and to this end local governments are authorized to adopt ordinances and regulations necessary to establish and enforce erosion and sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related activities. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. An ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article. Two or more units of local government are authorized to establish a joint program and to enter into any agreements that are necessary for the proper administration and enforcement of the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.
- (b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program

that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of this Article and rules adopted pursuant to this Article.

- (c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.
- (d) A local government may submit to the Commission for its approval a limited erosion and sedimentation control program for its jurisdiction that grants the local government the responsibility only for the assessment and collection of fees and for the inspection of land-disturbing activities within the jurisdiction of the local government. The Commission shall be responsible for the administration and enforcement of all other components of the erosion and sedimentation control program and the requirements of this Article. The local government may adopt ordinances and regulations necessary to establish a limited erosion and sedimentation control program. An ordinance adopted by a local government that establishes a limited program shall conform to the minimum requirements regarding the inspection of land-disturbing activities of this Article and the rules adopted pursuant to this Article regarding the inspection of land-disturbing activities. The local government shall establish and collect a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The amount of the fee shall be an amount equal to eighty percent (80%) of the amount established by the Commission pursuant to G.S. 113A-54.2(a) plus any amount that the local government requires to cover the cost of inspection and program administration activities by the local government. The total fee shall not exceed one hundred dollars (\$100.00) per acre. A local government that administers a limited erosion and sedimentation

control program shall pay to the Commission the portion of the fee that equals eighty percent (80%) of the fee established pursuant to G.S. 113A-54.2(a) to cover the cost to the Commission for the administration and enforcement of other components of the erosion and sedimentation control program. Fees paid to the Commission by a local government shall be deposited in the Sedimentation Account established by G.S. 113A-54.2(b). A local government that administers a limited erosion and sedimentation control program and that receives an erosion control plan and fee under this subsection shall immediately transmit the plan to the Commission for review. A local government may create or designate agencies or subdivisions of the local government to administer the limited program. Two or more units of local government may establish a joint limited program and enter into any agreements necessary for the proper administration of the limited program. The resolutions establishing any joint limited program must be duly recorded in the minutes of the governing body of each unit of local government participating in the limited program, and a certified copy of each resolution must be filed with the Commission. Subsections (b) and (c) of this section apply to the approval and oversight of limited programs.

- (e) Notwithstanding G.S. 113A-61.1, a local government with a limited erosion and sedimentation control program shall not issue a notice of violation if inspection indicates that the person engaged in land-disturbing activity has failed to comply with this Article, rules adopted pursuant to this Article, or an approved erosion and sedimentation control plan. The local government shall notify the Commission if any person has initiated land-disturbing activity for which an erosion and sedimentation control plan is required in the absence of an approved plan. If a local government with a limited program determines that a person engaged in a land-disturbing activity has failed to comply with an approved erosion and sedimentation control plan, the local government shall refer the matter to the Commission for inspection and enforcement pursuant to G.S. 113A-61.1.

(1973, c. 392, s. 11; 1993 (Reg. Sess., 1994), c. 776, s. 7; 2002-165, s. 2.8; 2006-250, s. 3.)

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan 13 Short Reg. Meeting

25 January 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 13-18

Consideration of Approval of Resolution 13-14, Opposing Legislation That Provides for the Forced Taking of Municipal Water Systems.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 5: Provide Reliable, Dependable Infrastructure and Environmentally Compliant Infrastructure Systems.

Recommendation:

- Approval of Resolution 13-14, Opposing Legislation That Provides for the Forced Taking of Municipal Water Systems.

Executive Summary:

It has come to the attention of City Administration that a recommendation was brought before the 2012 Session of the North Carolina General Assembly by the Legislative Research Commission that would force the City of Asheville to transfer its Municipal water system to a Metropolitan Sewer District. As a result of this recommendation, it is anticipated that this legislation will be introduced at the beginning of the 2013 Session of the North Carolina General Assembly for approval.

We share in the concern with other municipalities that forced taking of any local government's infrastructure sets a very dangerous precedent that will have negative effects on any local government investing in needed infrastructure in the future, endangering business opportunities and economic stability in the State, which could result in even more job losses here and across the State.

As a show of support for Asheville, NC as well as protecting our own concerns and investments, we bring forth the attached resolution for your consideration and approval.

Enclosure:

1. Resolution 13-14

CAF 13-18: 28 January 2013 Council Meeting

Page 1 of 3

R E S O L U T I O N 13-14

A RESOLUTION OPPOSING LEGISLATION THAT PROVIDES FOR THE FORCED TAKING OF MUNICIPAL WATER SYSTEMS

WHEREAS, Statewide legislation was introduced in the 2011 Session of the North Carolina General Assembly that would have forced the involuntary conveyance of a city-owned water system to a Metropolitan Sewer District; *and*

WHEREAS, prior to the beginning of the 2012 Session of the North Carolina General Assembly, the Legislative Research Commission recommended legislation that would force the City of Asheville to transfer its Municipal water system to a Metropolitan Sewer District; *and*

WHEREAS, the 2012 Session of the North Carolina General Assembly enacted legislation to begin the process of the forceful taking of a Municipal water system; *and*

WHEREAS, it is anticipated that legislation will be introduced at the beginning of the 2013 Session of the North Carolina General Assembly that will force the transfer of a Municipal water system; *and*

WHEREAS, public utilities have the unique responsibility to be protectors of public health and the environment, while serving as partners in the community's growth and development; *and*

WHEREAS, the forced taking of any local government infrastructure sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for citizens here and across the State.

**NOW, THEREFORE, BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT
THEYARE:**

1. Opposed to legislation that forces the transfer of any City's municipal water system to another entity.
2. Convinced that local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of local government assets.
3. Opposed to the forced taking of any local government infrastructure because such taking sets a dangerous precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for our citizens here and across the State.

The foregoing Resolution 13-14 upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of ***** 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, pp. **, CAF 13-18*

Ward 3 Listening Post Meeting - DRAFT
22 January 2013
Shiloh Baptist Church

Council Member Brenda Peace-Jenkins opened the meeting at 7:03 p.m. She said the citizens should be applauded for coming out on such a cold evening and thanked Rev. Ratcliff for allowing the meeting to take place at Shiloh Baptist Church. She expressed regrets from the City Manager who is unable to attend and then asked Mayor O'Geary to say a few words.

Mayor O'Geary recognized County Commissioner Terry Garrison, Council Members Kearney and Coffey, Downtown Development Commission Chairman Jason Stewardson and City staff (Planning and Community Development Director Erris Dunston, Main Street Manager Pam Hester and City Clerk Esther McCrackin). He also gave a special thanks to Pastor Ratcliff.

Ms. Peace-Jenkins then explained the purpose of the meeting is to discuss issues and future plans for the Flint Hill area and a possible Plan B for what was known as the REEF project. She said she sees Flint Hill as more than the area on the map and said she looks forward to hearing from those in attendance. She then asked Mr. Jason Stewardson to say a few words.

Mr. Stewardson introduced himself as the Downtown Development Commission Chairman, and said the former REEF project involved the old tobacco warehouse on Zene Street. He summarized the REEF project which failed and said the project would need to start from "square one." He said he was encouraged that the project could move forward with the assistance of consultant Dr. Sparrow from RED, Inc. (Religious, Educational and Charitable Development Projects, Inc.).

Then Dr. Sparrow came forward and said RED is affiliated with the African Methodist Episcopal Church and she and her team were present this evening to hear from the Flint Hill citizens regarding their needs and desires for the area. She distributed a questionnaire that listed possible uses for the building that have been expressed in prior years and asked attendees to check what they saw as the top three needs in each area along with writing in any other suggestions. (questionnaire attached)

As the questionnaires were distributed Ms. Peace-Jenkins came forward and opened the floor for discussion. Many of the citizens spoke out regarding jobs and job placement needs. Others expressed the lack of critical care, laundry facility, and play areas for children. Several expressed interest in recreation facilities and some said they would even do labor if needed to upgrade playgrounds. There was talk about creating space where children/young adults could learn crafts/painting/music and even learn cooking. Infrastructure was also mentioned along with some type of re-entry program for felons. Citizens asked if there was any way the City could help the community if the citizens agreed to maintain projects.

During the discussion there seemed to be some confusion regarding the grant status. Planning and Community Development Director Erris Dunston addressed this confusion by explaining

that neither the \$50,000 catalyst grant nor the \$500,000 capacity grant have been awarded at this time.

After the discussion time, Council Member Peace-Jenkins asked Council Member Daeke to say a few words. Mr. Daeke thanked everyone for their comments and told the group that if the City receives approval for the CDBG Catalyst grant, there will be a need to create both a city-wide committee and a steering committee to work in conjunction with the grant. He asked for those who would like to be involved to leave their name and number and said he would contact them to discuss their interest in serving.

With no further discussion, Council Member Peace-Jenkins closed the meeting at 8:15 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

City Council Memo

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan 13 Short Reg. Meeting

15 January 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: **CM 13-03: Declaration of Surplus Property.**

Ladies and Gentlemen:

Pursuant to Resolution 9-10, property identified in the attached memo dated 15 January 2013 from Fiscal Compliance Officer Edna Vaught is declared surplus and will be auctioned on GovDeals. No action is required of Council; however, it is felt appropriate to advise Council of said declaration and to offer an opportunity for questions and/or objections to the proposed sale.

Memo

To: Ray Griffin, Henderson City Manager
From: Edna Vaught, Fiscal Compliance Officer
CC: Frank Frazier, Henderson Assistant City Manager
Kathy Brafford, Finance Director
Date: 1/15/2013
Re: Equipment to be Declared Surplus

Mr. Griffin,

Within this memo is a listing of equipment that is no longer in use in the various departments. In accordance with the policy as approved by the City Council, I am asking that the listed items be reviewed and sign off on as surplus. Listed items will then be advertised on the GovDeals website in order to liquidate said items. All proceeds are to be collected and appropriately placed as revenue by the Finance Director.

Thank you for your time and assistance.

Respectfully,


Edna Vaught

Kerr Lake Regional Water

Kerr Lake Regional Water

Sludge Shoot

VIN # - None listed (has been out of use since thickener building was put in.

There was no City Asset Number on the sludge shoot.

In accordance with the policy as approved by the City Council, I do hereby declare the above property surplus and available to be liquidated.

Ray Griffin, Henderson City Manager

Meetings and Events Calendar

<i>Date</i>	<i>Time</i>	<i>Event</i>	<i>Location</i>
Feb 4 th	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
Feb 5 th	3:30 PM	<i>Henderson Zoning Board of Adjustments</i>	City Council Chambers
Feb 11 th	9:30 AM	<i>KLRW Advisory Board Meeting</i>	City Hall Large Conference Room
Feb 11 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Feb 12 th	3:00 PM	<i>Henderson Appearance Committee</i>	City Council Chambers
Feb 14 th	12:00 PM	<i>Henderson-Vance Parks & Recreation Commission</i>	Aycock Recreation Center
Feb 21 st	7:00 PM	<i>Human Relations Commission</i>	City Council Chambers
Feb 25 th	6:00 PM	<i>City Council Meeting Work Session to Follow</i>	City Council Chambers
Mar 4 th	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
Mar 5 th	3:30 PM	<i>Henderson Zoning Board of Adjustments</i>	City Council Chambers
Mar 11 th	5:00 PM	<i>Library Board of Trustees</i>	H. Leslie Perry Memorial Library Board Room
Mar 11 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Mar 12 th	3:00 PM	<i>Henderson Community Appearance Commission</i>	City Council Chambers
Mar 14 th	12:00 PM	<i>Henderson-Vance Park & Recreations Commission</i>	Aycock Recreation Center
Mar 21 st	7:00 PM	<i>Human Relations Commission</i>	City Council Chambers
Mar 25 th	6:00 PM	<i>City Council Meeting Work Session to Follow</i>	City Council Chambers
Mar 29 th	City Hall Closed	<i>Good Friday</i>	<i>City Hall Closed</i>
Mar 29 th	10:00 AM	<i>Henderson-Vance E911 Advisory Board Meeting</i>	E 911 Operations Center
April 1 st	3:30 PM	<i>Henderson Planning board</i>	City Council Chambers
April 2 nd	3:30 PM	<i>Henderson Zoning Board of Adjustment</i>	City Council Chambers
April 8 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
April 9 th	3:00 PM	<i>Henderson Community Appearance Commission</i>	City Council Chambers
April 11 th	12:00 PM	<i>Henderson-Vance Park & Recreations Commission</i>	Aycock Recreation Center
April 15 th	9:30 AM	<i>KLRW Advisory Board Meeting</i>	City Hall Large Conference Room

Last Updated: 1/25/2013 12:06 PM

HENDERSON-VANCE COUNTY 911

NUMBER OF CALLS REPORT BY COMPLAINT (ALL UNITS)

TIME PERIOD:11/21/2012 09:00:00 Through 12/20/2012 23:59:59

TOTAL

5,513

DEPARTMENT	COMMENT	TOTAL	COUNTY	CITY	STATE	OTHER
DATA WITH NO DEPARTMENT		184				184
AFTON VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	1	1			
AMERICAN RED CROSS	Other Dispatch	1				1
BEARPOND VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	46	46			
COKEBURY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	25	25			
CSX RAILROAD	Other Dispatch	0				0
DREWRY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	17	17			
EMBARQ	Other Dispatch	0				0
EPSOM VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	14	14			
HENDERSON FIRE DEPARTMENT-STA 1	City Dispatch	298		298		
HENDERSON FIRE DEPARTMENT-STA 2	City Dispatch	117		117		
HENDERSON POLICE DEPARTMENT	City Dispatch	2,924		2,924		
HENDERSON STREET DEPT	City Dispatch	2		2		
HENDERSON WATER DEPARTMENT	City Dispatch	15		15		
HICKSBORO VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	24	24			
KITRELL VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	12	12			
NORTH CAROLINA DEPT OF PARKS	State Dispatch	0			0	
NORTH CAROLINA DEPT OF TRANSPORTATION	State Dispatch	5			5	
NORTH CAROLINA DIVISION OF MOTOR VEHICLES	State Dispatch	0			0	
NORTH CAROLINA FORESTRY SERVICE	State Dispatch	8			8	
NORTH CAROLINA MAGISTRATE OFFICE	State Dispatch	0			0	
NORTH CAROLINA MEDICAL EXAMINER	State Dispatch	0			0	
NORTH CAROLINA PROBATION & PAROLE	State Dispatch	0			0	
NORTH CAROLINA STATE HIGHWAY PATROL	State Dispatch	48			48	
NORTH CAROLINA UNDERWATER RECOVERY	Other Dispatch	0			0	
NORTH CAROLINA WILDLIFE	State Dispatch	2			2	
PROGRESS ENERGY	Other Dispatch	7				7
PUBLIC SERVICE GAS	Other Dispatch	2				2
RIDGEWAY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	1	1			
TOWNSVILLE VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	15	15			
VANCE COUNTY AMBULANCE SERVICE (EMS)	City & County Dispatch-actual	558	250	305		3
VANCE COUNTY ANIMAL CONTROL	County Dispatch	53	53			
VANCE CO DEPT OF SOCIAL SERVICES	County Dispatch	0	0			
VANCE COUNTY EMERGENCY MANAGEMENT	City & County Dispatch	4	4			
VANCE COUNTY FIRE DEPARTMENT	County Dispatch/FIRE	137	137			
VANCE COUNTY RESCUE SQUAD	County Dispatch	40	40			
VANCE COUNTY SHERIFF DEPARTMENT	County Dispatch	1,781	1,781			
WAKE ELECTRIC COOPERATIVE	Other Dispatch	0				0
WATKINS VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	22	22			
TOTALS		6,363	2,442	3,661	63	197

Signature:

Carey D. Thompson

Prepared by: Carey D. Thompson, 911 Database Coordinator

Signature:

Brian K. Short

Reviewed by Brian K. Short, Director

12/31/2012

HENDERSON-VANCE CO 911

Number Of Calls Report by Department (All Units)

First Date: 11/21/2012

Jurisdiction: HEN-VAN

Last Date: 12/20/2012

	<i>Department</i>	<i>Number</i>
1	Data with no Department.	184
2	AFTO	1
3	ARC	1
4	BVFD	46
5	CVFD	25
6	DOT	5
7	DSS	3
8	DVFD	17
9	EM	4
10	EMS	558
11	EVFD	14
12	FOR	8
13	GAS	2
14	HFD1	298
15	HFD2	117
16	HPD	2924
17	HVFD	24
18	KVFD	12
19	PE	7
20	RIDG	1
21	SHP	48
22	STRE	2
23	TVFD	15
24	VCAC	53
25	VCFD	137
26	VCR	40
27	VCSO	1781
28	WATE	15
29	WILD	2
30	WVFD	22

Total: 5513

A call with multiple Departments assigned will be counted in the group total for each of these Departments, therefore such calls will be counted more than once. For this reason, the total number of calls may not equal the sum of the group totals

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 11/21/2012

Last Date: 12/20/2012

<i>Complaint</i>		<i>Number</i>
911HU	911 HANG UP CALL	74
ABAND	ABANDONED OR JUNKED CARS	2
ABDOM-EMD	ABDOMINAL PAIN OR PROBLEMS	10
ACC-PD	ACCIDENT PROPERTY DAMAGE	93
ACC-PI	ACCIDENT PERSONAL INJURY	29
ALARM	ALARM RESIDENCE OR BUSINESS	295
ALARMFALSE	ALARM FALSE	124
ALARMMED	ALARM MEDICAL	7
ALLERG-EMD	ALLERGIC REACTION / ENVENOMATIC	3
ANIMAL-EMD	ANIMAL BITE / ATTACK	3
ANIM	ANIMAL COMPLAINT/VISCIOUS ANIMAL	44
ARMED SUSP	ARMED SUSPECT (MAN WITH A GUN)	15
ARRE	ARREST	4
ASAG	ASSIST OTHER AGENCY	23
ASMO	ASSIST MOTORIST	65
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT - IN PI	3
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT	34
BACKPAIN-EMD	BACK PAIN (NON-TRAUMATIC)	9
BE MV	BREAKING AND ENTERING TO A MOTOR	52
BON	BONDING	11
BREATH-EMD	BREATHING PROBLEMS	82
BURG-IP	BURGLARY/B&E IN PROGRESS	10
BURGLARY	BURGLARY	82
CAR	CARELESS AND RECKLESS DRIVER	18
CARDIAC-EMD	CARDIAC/RESPIRATORY ARREST OR	12
CHASE	CHASE	5
CHESTPAI-EMD	CHEST PAIN	52
CHILD-ABU	CHILD ABUSE OR NEGLECT	5
CHOKING-EMD	CHOKING	3
CIVDIS	CIVIL DISPUTE	69
COMTHR	COMMUNICATING THREATS	4
CONVULS-EMD	CONVULSIONS / SEIZURES	28
COURT	COURT	2
DIABETIC-EMD	DIABETIC PROBLEMS	13
DIRTRF	DIRECTING TRAFFIC/TRAFFIC CONTR	7
DISO	DISORDERLY PERSON	76
DOMEIP/W	DOMESTIC DISPUTE - IN PROGRESS	7
DOM-PROB	DOMESTIC PROBLEM	101
DRUGALC	DRUG OR ALCOHOL COMPLAINT	22
DRUNKDRIV	DRUNK DRIVER	6
DVO	DOMESTIC VIOLENCE ORDER	32
EMERG TRANS	EMERGENCY TRANSPORT	2
ESCO	ESCORT	189
EVICTON	EVICTON CARRIED OUT	32
FALLS-EMD	FALLS (SUBJECT FALLEN)	52
FIGHT	FIGHT	23
FIGHT-IP/W	FIGHT IN PROGRESS/W-WEAPONS	1
FIRE AL	FIRE ALARM	19
FIRE BRU	BRUSH/GRASS FIRE	13
FIRE CHIM	CHIMNEY FIRE	2
FIRE ELEC	ELECTRICAL FIRE	1
FIRE SMOKE	SMOKE REPORT	14

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 11/21/2012

Last Date: 12/20/2012

<i>Complaint</i>		<i>Number</i>
FIRE STRUC	STRUCTURE FIRE	19
FIRE VEHI	VEHICLE FIRE	5
FIRE WOODS	WOODS FIRE	3
FRAUD	FRAUD/FORGERY	18
GASLEA	GAS LEAK	4
HARR	HARRASSMENT/THREATS	41
HEADACHE-EMD	HEADACHE	6
HEART-EMD	HEART PROBLEMS - AICD	5
HEMORR-EMD	HEMORRHAGE / LACERATION	14
HOMEINV	HOME INVASION	1
HRPD	HIT & RUN PD	29
ILL-DUMP	ILLEGAL DUMPING	41
INDEXPO	INDECENT EXPOSURE	1
INSPECTION	FIRE INSPECTION	40
INTPERS	INTOXICATED PERSON	19
INVE	INVESTIGATE ---- AT	916
IPV	IMPROPERLY PARKED VEHICLE	8
JUV	JUVENILE PROBLEMS	46
LARCIP	LARCENY IN PROGRESS	3
LARC	LARCENY - ALREADY OCCURRED	139
LIVEST	LIVESTOCK IN ROADWAY	5
LOIT	LOITERING COMPLAIN	6
LOST	LOST PROPERTY	4
LOUD	LOUD MUSIC	58
MEDICAL	MEDICAL	12
MEN	MENTAL SUBJECT	65
MISS	MISSING PERSON	16
OPEN	OPEN DOOR/WINDOW	10
OVERDOSE-EMD	OVERDOSE / POISONING (INGESTION)	8
PDAMG	PROPERTY DAMAGE ALREADY OCCU	83
PREGNANT-EMD	PREGNANCY/CHILDBIRTH/MISCARRIA	4
PROW	PROWLER	42
RAPE	RAPE	1
RECFPI	RECOVERED/FOUND PROPERTY	17
ROBARM	ROBBERY ARMED	3
RUN	RUNAWAY	6
SHOP	SHOPLIFTER	20
SHOTS	SHOTS FIRED	93
SICK-EMD	SICK PERSON	127
STABBING-EMD	STABBING / GUNSHOT / PENETRATING	11
STOLV	STOLEN VEHICLE	20
STROKE-EMD	STROKE (CVA)	17
SUBINCUS	SUBJECT IN CUSTODY	29
SUICIDE-EMD	SUICIDE / PSYCHIATRIC / ABNORMAL	3
SUMMONS	CIVIL / CRIMINAL SUMMONS	265
SUPSUB	SUSPICIOUS SUBJECT	96
SURR	SURRENDER	7
SUSVEH	SUSPICIOUS VEHICLE	93
TEST	TEST CALL	81
Traffic Stop	VEHICLE STOP	683
TRANSPORT	TRANSPORT	1
TRAUMA-EMD	TRAUMATIC INJURY (SPECIFY IN NARI	2

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 11/21/2012

Last Date: 12/20/2012

<i>Complaint</i>		<i>Number</i>
TREEDWN	TREE DOWN	1
TRES	TRESPASSING SUSPECT	86
UNAUTHVEH	UNAUTHORIZED USE VEHICLE	4
UNCONC-EMD	UNCONCIOUS / FAINTING OR NEAR	32
UNKNOWN-EMD	UNKNOWN PROBLEM (MAN DOWN)	2
WARRANT	WARRANT	232
WATER	WATER RELATED PROBLEM	17
WRIT	WRIT OF EXECUTION	9

Report Total: 5513



AGENDA

Henderson City Council Work Session
Monday, 28 January 2013 Immediately Following Regular Session
R. G. (Chick) Young, Jr. Council Chambers, Municipal Building
134 Rose Avenue
Henderson, North Carolina

Mayor and City Council Members

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, Sr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoe
Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Vernon L. Brown
Councilmember George M. Daye

City Officials

A. Ray Griffin, Jr., City Manager
John H. Zollicoffer, Jr., City Attorney
Esther J. McCrackin, City Clerk

I. CALL TO ORDER

II. ROLL CALL

III. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

IV. REGULAR WORK SESSION

- a) Consideration of CM 13-04, City of Henderson Residential Meter Replacement Program – Phase I. [See Notebook Tab 11]*
- b) Consideration of CM 13-05, Status of Kerr Lake Water Elevation. [See Notebook Tab 12]*
- c) Consideration of CM 13-06, Downtown Progress Energy Pole Replacements - Update. [See Notebook Tab 13]*

V. ADJOURNMENT

City Council Memo

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan 13 Work Session

22 January 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: **CM 13-04: City of Henderson Residential Meter Replacement Program- Phase I**

Ladies and Gentlemen:

On 13 August 2012, Council approved Resolution 12-63, accepting a low interest loan from the NC Drinking Water State Revolving Fund for the purchase of approximately 1,000 new residential radio read water meters in the amount of \$294,000.

There are many existing water meters that are reaching a fifteen (15) to twenty (20) year life span and in need of replacement. This project will replace current meters with electronically read meters that can be read remotely and record and store flow readings over short increments of time. This is beneficial in that it will allow the City to share information with its customers relative to peak water usage and leak detection during a 24 hour period. The remote read capability will reduce the amount of time it takes to complete meter reading routes, which will help with efficiency in the time required for reading and also efficiency in starting and stopping of vehicles. There is also a safety aspect of reading on various high traffic, high speed roadways with multiple lanes.

The first phase of this project will target residential subdivisions outside of the city, including along rural road areas, as well as major thoroughfares within the city. Examples of the replacement will include the Stratford Hills Subdivision in the western part of Vance County, outside the city limits. There are approximately 67 active accounts in this subdivision with only one being radio read. It takes approximately one and an half hours to complete these readings. Tall Pines Subdivision has approximately 7 meters and there are others, such as West Hills and West Creek Estates with approximately 59 meters. Due to the larger lots and distance between meters, it requires more time to read these meters. By changing out these meters to radio read meters, it is expected that the meter reader's time will be reduced by approximately 1.2 hours as well as better fuel economy of the meter reading vehicles due to minimal stopping and starting. As the efficiency of this route is improved, other routes may have to be adjusted to reflect the savings in man hours. In conjunction with the subdivisions in this area, all of the meters would be changed out along US 158 Bypass, to the Oxford Booster Pump Station, which would include approximately 86 meters.

The other routes included within Phase I are Satterwhite Point Road, Jacksontown Road and Jackson Royster Road to the Warren County meter vault (#2). There are additional side roads that would be included in this area also, such as Cedar Cove Road. There are 320 active accounts in these areas and, as

they are rural in nature, they require more travel time and reading time. The time here will be reduced from approximately 2.5 hours to 40 minutes.

After completing those meter change outs, the City would then focus on major thoroughfares within the city. This would include Raleigh Road, US #1 Bypass (inside and outside city limits), Dabney Drive, Andrews Avenue, Old Oxford Road (inside and outside city limits) and Beckford Drive. We could replace approximately 480 of the 658 active accounts in these areas. These are all multi-lane areas with high traffic that require extreme caution when entering and exiting vehicles, as well as sudden stops, which could lead to unsafe stops for the meter reader, and higher risks in working these streets. It is anticipated that the route times can be cut in half as a result of these change outs.

As water meters typically run slow as they get older, the replacement of these meters should result in more accuracy in recording the water actually being used by the customer. Other benefits include leak detection, as mentioned earlier, recognition of meters that may have been stolen and placed in a different location, and reductions in human errors due to improper readings being placed in the hand held device, as the new meter readings are collected by data collectors in the city vehicles as they drive by and the information is then downloaded.

The standard meter that has been used for approximately three years is the Neptune Pro-Read meter. The E-Coder version is now used and has a limited warranty of 10 years on the register. Currently there are four full time meter readers and one part time. With the implementation of this project, it is anticipated that the City will continue to utilize the four full time employees, but reduce the amount of part time help.

There will be minimal effect on the customers and there would be no direct cost to the customer as the costs for this project would be covered in the loan repayment as covered in the upcoming budget and Capital Improvements Plan. During the installation period, there would be a brief disruption of service. The typical disruption time would last less than an hour, and would usually occur between the hours of 8 a.m. and 5 p.m. Proper notifications would be given to customers in advance of the change out.

The next phase of water meter replacement will be to concentrate on the multi-family housing areas. Once these are converted, the City will concentrate on “filling in the gaps” on a route by route basis until all routes are converted to radio read.

Enclosure:

1. CAF 12-92
2. Resolution 12-63
3. Map of Area
4. Copy of Standard Meter w/ E-Coder Register

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701

Agenda Item:

Council Meeting: 13 Aug 12 Reg. Mtg.

3 August 2012

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 12-92

Consideration of Approval of 1) Resolution 12-63, Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$294,000 for New Radio Read Water Meter Purchases; and 2) Ordinance 12-51, FY 13 Budget Amendment # 6, Establishing the Budget for Above Mentioned Project.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 5 – Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.
- KSO 8 – Provide Sufficient Funding for Municipal Services.

Recommendation:

- Approval of: 1) Resolution 12-63, Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$294,000 for New Radio Read Water Meter Purchases; and
- 2) Ordinance 12-51, FY 13 Budget Amendment #6, Establishing the Budget for Above Mentioned Project.

Executive Summary

On 26 September 2011, Council, via Resolution 11-88, approved the application for a loan/grant to the NCDENR for various projects with one being the purchase of new radio read water meters.

On 17 July 2012, The City of Henderson received notification that a DWSRF loan has been approved for the purchase of new radio read water meters in the amount of \$294,000. This is to supplement the meter replacement program currently in place with the purchase of approximately 1,000 new meters to be installed within the next year.

The loan rate is 20 years at 0% interest. There is a closing fee of \$5,880, which is part of the loan amount.

Due to capital planning in the development of the FY 12-13 Budget, the debt service of \$14,700 for this project can be absorbed in the FY 13-14 budget without a rate increase.

The grant offer, while dated 3 July 2012 was not received until 17 July 2012, therefore, too late to provide information to the Council on the 23 July City Council meeting. Thus it is important to review and consider approval of this item on 13 August to get the response back to the State in a timely manner. In discussion with DENR, a new package with a modified date to meet the 30 day window will be sent out. The older package is attached for your review. Everything in the new package will remain the same except for the signature date.

Enclosures:

1. Resolution 12-63
2. Ordinance 12-51
3. Loan Amortization Schedule
4. Resolution 11-88

RESOLUTION 12-63

ACCEPTANCE OF A LOAN FROM THE NC DRINKING WATER STATE REVOLVING FUND FOR PURCHASE OF NEW RADIO READ WATER METERS

WHEREAS, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2012 Strategic Planning Retreat; *and*

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows:

KSO 5: To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems; *and*

KSO 8: To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities; *and*

WHEREAS, the Federal Safe Drinking Water Act Amendments of 1996 and the NC Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, *and*

WHEREAS, the City received an offer of acceptance of a loan for a water system project (project number WIF-1693); *and*

WHEREAS, the City deems it in the best interest to complete this work in order to provide reliable, dependable and environmentally compliant infrastructure systems, *and*

WHEREAS, the amount of the loan is \$294,000 for twenty years with a 0.00% interest rate; *and*;

WHEREAS, the new meters will be used to replace existing, aging meters throughout the City.

NOW THEREFORE BE IT RESOLVED, BY THE HENDERSON CITY COUNCIL:

1. That the City of Henderson (Applicant) will arrange financing for all remaining costs of the project.
2. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City Council (governing body) of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Henderson to make scheduled repayment of the loan, to withhold from the City of Henderson any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

5. That Mayor James D. O'Geary, the Authorized Official, and successors so titled, is hereby authorized to execute the acceptance of the loan, being more fully articulated in **Attachment A** to this Resolution.
6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

The foregoing Resolution 12-63 introduced by Council Member ** and seconded by Council Member ** on this the day of 2012, and having been submitted to a roll call vote, was *** by the following votes: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

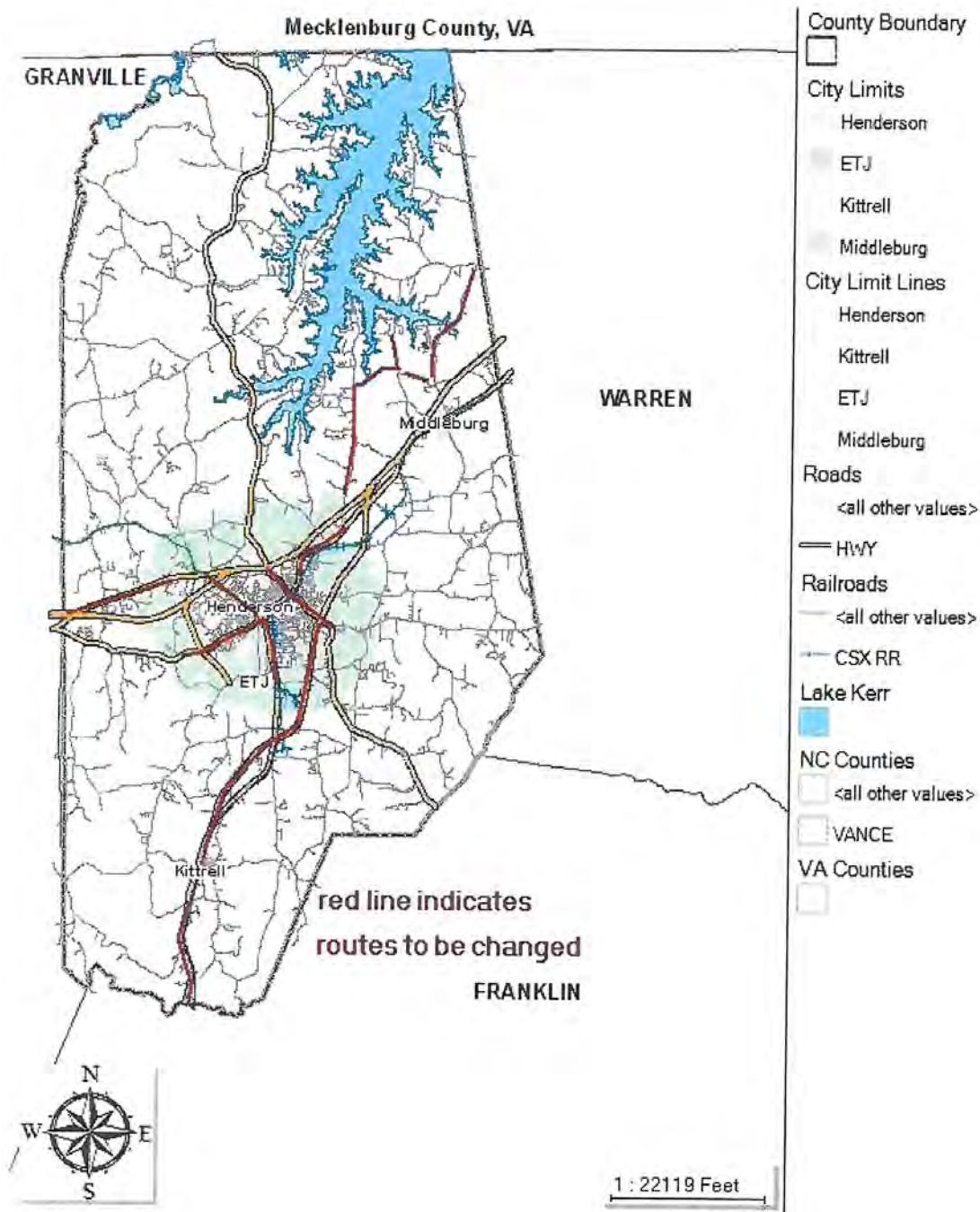
John H. Zollicoffer, Jr., City Attorney
(Reference: Minute Book 42, p. **.)

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing is a true and exact copy of *Resolution 12-63*, adopted by the Henderson, City Council in Regular Session on ** _____ 2012 (*See Minute Book 42, p. **.*). This Resolution is recorded in *Resolution Book # 3*, pp. **.

Witness my hand and corporate seal of the City, this ** day of *** 2012.

Esther J. McCrackin
City Clerk
City of Henderson, North Carolina



E-CODER REGISTER FACE

TECHNICAL SPECIFICATIONS

- Materials**
 - Inside Set Housing: Polycarbonate
 - Pit Set Housing: Copper shell and glass lens
 - Connecting wire: 3-lead #22 AWG
 - Remote receptacles: ABS, nylon and polycarbonate
- Distance**
 - A single register may be located with up to 500 feet (152m) of wire from receptacle or MIU.
 - Two networked registers can be located with up to 300 feet (91m) of wire from receptacle or MIU.
- Register**
 - Warranty: 10 years

OPTIONS

- Sizes**
 - Available for all sizes and makes of current Neptune meters
- Electronic Accessory Equipment**
 - R900* Wall and Pit RF MIUs
 - R450* Wall and Pit RF MIUs
- Data Collection Systems**
 - Pocket ProReader
 - Advantage
 - CE5320
 - TRX920*
 - MTX920*
 - R900* GPRS and WiFi Gateways
- Units of Measure**
 - U.S. Gallons, Cubic Feet, Imperial Gallons, Cubic Metres
- Environmental Conditions**
 - Operating temperature: 32°F to 158°F (0°C to 70°C)
 - Storage temperature: -40°F to 158°F (-40°C to 70°C)
 - Operating humidity: 0 to 100%
- 9-digit local registration
- 8-digit remote registration
- 4-8 digits can be communicated for billing

ICONS AND DISPLAYS

	SOLAR CELL Located at the top of the E-Coder, supplies power for the LCD panel (light activated.)
	FLOW INDICATOR Shows the direction of flow through the meter: <div style="display: flex; justify-content: space-around;"> <div> OFF Water in use REF Water not in use FLASHING (-) Water is running slowly (+) Reverse flow Forward flow </div> </div>
	LEAK INDICATOR Displays a possible leak: <div style="display: flex; justify-content: space-around;"> <div> OFF No leak indicated. FLASHING Intermittent leak indicates that water has been used for at least 50 of the 96 15-minute intervals during a 24-hour period ON CONTINUOUSLY Indicates water use for all 96 15-minute intervals during a 24-hour period </div> </div>
RATE	RATE OF FLOW Average flow rate is displayed every six seconds on LCD display
	LCD DISPLAY Nine digit LCD displays the meter reading in billing units of measure: U.S. gallons, cubic feet, imperial gallons, or cubic metres. <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div>1 E-Coder Basic Reading/Customary 6-digit remote reading</div> <div>2 Customary sweep hand digits</div> <div>3 E-CoderPLUS Reading (8-digit remote reading)</div> <div>4 Testing units used for diagnostics</div> <div>5 Extended reading units</div> <div>6 Customary billing units</div> </div>

Neptune Technology Group Inc.
1800 Alabama Highway 229
Tallahassee, AL 323078
USA
Tel: (800) 645-1892
Fax: (334) 283-7293

Neptune Technology Group (Canada) Ltd.
7275 West Credit Avenue
Mississauga, Ontario
L5N 5M9
Canada
Tel: (905) 858-4211
Fax: (905) 858-0428

Neptune Technology Group Ltd.
Ejército Nacional No. 418
Piso 12, Desp. 1201-1202
Col. Chapultepec Morales
Delegación Miguel Hidalgo
11570 México, Distrito Federal
Tel: (525) 55203 5294 / (525) 55203 5708
Fax: (525) 55203 8503

NEPTUNE TECHNOLOGY GROUP
neptunealg.com

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City Council Memo

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan 13 Work Session

22 January 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CM 13-05: Status of Kerr Lake Water Elevation

Ladies and Gentlemen:

On 10 December 2012, the City Council approved Resolution 12-103, declaring that voluntary conservation conditions exist and the implementation of voluntary conservation measures. This was in response to an existing water level of 292.35' and a forecast of continuing drought conditions in central and western parts of North Carolina and Virginia.

Significant rainfall and snow that fell during the week of 14 January 2012 has tremendously improved the water level at Kerr Lake and as of 22 January 2013, the water level has risen to 303.45', well above the 294.00' mark, which triggered voluntary water conservation.

The staff will continue to monitor the lake levels carefully and if sustained for the next several weeks, it will be recommended to suspend the declaration of voluntary conservation measures.

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 28 Jan 13 Work Session

24 January 2013

TO: The Honorable Mayor James D.O'Geary and Members of City Council

FR: A Ray Griffin, Jr., City Manager

RE: CM: 13-06

Re: Downtown Progress Energy Pole Replacements - Update

Ladies and Gentlemen:

Progress Energy and the City Staff have been further discussing the plan for the replacement of the existing poles and some of the wiring in the downtown area of Henderson, between the blocks of Andrews Avenue and Spring Street. The existing power poles, which are owned by Progress Energy, are in need of paint and repair. Progress Energy is ready to proceed with this project and included below is an outline of the plan. In our discussions, it was decided that weekends may be the optimal time to perform this work. A downtown informational session to provide merchants details regarding this project may be beneficial.

The original discussion was presented to the City Council in August 2012 and this is an update to that original presentation.

Progress Energy has developed the plans for pole replacement which will include:

- 65 poles to be removed with 62 poles to be replaced. Only 3 poles will be removed totally from the street.
- Existing 35-foot tall poles will be replaced with 40-foot tall poles.
- New poles will be buried approximately 6 feet deep.
- Progress Energy is ready to order the poles with order time ranging from 12 to 16 weeks for delivery.
- Approximate start time estimated to be March 2013 (assuming there are no objections by the City Council for this project).
- Length of time for project is estimated to be 6 to 8 months.

There are still some items that are being reviewed by Progress Energy that are not part of their proposed work:

- Progress Energy is working with NCDOT relative to the traffic signal replacement in the downtown area. New LED lights are proposed, however, the proposed poles may not be suitable for traffic lights and depending on the DOT requirements, specific poles may

need to be upsized. This is needed to bring the traffic signals to a suitable clearance height.

- The cutting of sidewalks, removal of concrete and reinstallation of new concrete are work that Progress Energy has not included in their project costs. This is being considered as work that could be done by City Staff.
- Signage removal and installation. The existing street signs are old, faded and will need to be replaced. These are City owned and maintained signs.
- Band attachments for lights and other hangings. The City staff will find out what type of band attachments that we are currently using and those will be replaced or reused depending on the conditions of the existing bands.
- Receptacles for the Christmas lights will be installed at each pole that currently has them, but will NOT include outlets for power as used by the car show. These would need to come from the side streets and permitted with Progress Energy with a meter.

To reiterate from the last discussion, per Progress Energy, there are benefits as well as potential issues with the new poles:

Issues:

- The new poles will be slightly larger and about 5 feet longer (higher) than the current poles. This may or may not cause issues with the owners, especially for the new residential units located on the second floor.
- The proposed lighting fixtures will cost more. To help with the downtown look, the new tear drop fixtures are proposed to be installed, but the cost of those fixtures are almost double the current cost per month. Funding for street lights is currently budgeted in the Street Department.
- In some instances, the new poles will not go back exactly in the same place. Therefore, there could be additional costs associated with concrete removal and repair for relocating the poles.
- During construction, power will be shut off to portions of customers at various times and length of times. This will allow power lines to be moved and reconnected to the new poles. Per Progress Energy, the power outages will be done in segments to reduce the number of customers affected at any one time.

Benefits:

- The new poles will last for approximately 75 years with little to no maintenance.
- The cost of the new poles themselves will be borne by Progress Energy.
- The new fixtures and new poles should improve the look of the downtown area. This is the next best option in lieu of placing the electrical power and all other utilities underground, which is a highly expensive option making it unfeasible at this time.
- The shifting of the poles will provide the opportunity to clean up the existing lines and possibly eliminating any unnecessary lines.
- Limited or no cost to existing customers, as there is no conversion to underground.

The total cost to the City for construction is estimated at \$32,500. This is to remove and repair the existing concrete around the poles and replace the street signs. This estimate is higher than

the \$25,000 amount given in August of 2012 due to the addition of signs and more pole removals than originally estimated. Approximately 40 light are to be removed with 31 lights to be reinstalled.

The overall monthly (and annual) cost increase will be \$7,900 per month (\$94,800 per year) for the new fixtures. Per Progress Energy, these costs can possibly be offset or reduced by replacing other light fixtures throughout the City and replacing the older, sodium and mercury bulbs.

The fixture cost can be alleviated by using existing cobra heads that are similar to the ones currently being used. Both fixtures are attached for review.

Enclosure:

1. Picture of Light Fixtures

PROGRESS ENERGY OUTDOOR LIGHTING

Cutoff Enclosed (Flat Glass Cobra Head)

Well-suited for roadways, parking lots, and other long, narrow settings, the Cutoff Enclosed adds the features of reduced glare and uplight and provides a more controlled lighting pattern. Light is directed where you need it. Choose low, medium or high light output sizes on wood or fiberglass poles (or mount on an existing pole). Available with one to four fixtures per pole, depending on the choice of the pole.

High-Pressure Sodium	100	150	250	400	Watts
	9,500	16,000	28,500	50,000	Lumens

Metal Halide	250	350	Watts
	20,000	33,000	Lumens

Mounting Heights	25', 30' or 35'
-------------------------	-----------------

Color	Gray
	Black (additional cost)

Poles	Fiberglass
	Metal (special conditions)
	Wood



Cutoff Enclosed (Flat Glass Cobra Head)



For additional information, visit us at progress-energy.com,
e-mail us at lightinginfo@pgnmail.com
or call us toll free at 1.877.887.6287.

Cutoff Enclosed (Flat Glass Cobra Head)**Light Source:** High-Pressure Sodium (Golden Yellow)**Wattage:** 100 150 250 400**Lumens:** 9,500 16,000 28,500 50,000**Light Source:** Metal Halide (White)**Wattage:** 250 350**Lumens:** 20,000 33,000**Light Pattern:** IESNA Type III (Oval)**IESNA Cutoff Classification:** Full Cutoff**Light Distribution Pattern****Poles Available:**

Name	Mounting Heights	Color
Fiberglass	25', 30' or 35'	Gray
Fiberglass	25', 30' or 35'	Black (additional cost)
Wood	25', 30' or 35'	Green
Metal (special conditions)	25', 30' or 35'	Gray

Features**Benefits**

No installation cost*	Frees up capital for other projects
Design services by lighting professionals included	Meets industry standards and lighting ordinances
Maintenance included	Eliminates high and unexpected repair bills
Electricity included	Less expensive than metered service
Warranty included	Worry-free
One low monthly cost on your electric bill	Convenience and savings for you
Turnkey operation	Provides hassle-free convenient installation and service
Backed by over 40 years of experience	A name you can trust today...and tomorrow

*Based on normal installation conditions



Teardrop (Special Order)

The Teardrop provides the historic appearance with a nostalgic feel and can enhance any municipal downtown or historic district. Efficiency is combined with turn-of-the-century appeal in a black color to provide the image that is attractive and distinctive. Choose a white or golden yellow light source. Mount on new black concrete poles or existing approved metal poles that are painted black.

High-Pressure Sodium	250 Watts 28,500 Lumens
Metal Halide	250 Watts 20,000 Lumens
Mounting Heights	Various
Color	Black
Poles	New Pole – Black Concrete (additional monthly cost) Existing Pole – Galvanized Metal (painted black – additional upfront cost) Existing Pole – Metal Distribution (painted black – additional upfront cost)



Teardrop (Special Order)

Note: These black fixtures and poles are not stocked by Progress Energy. They must be special ordered and require up to eight weeks lead time for arrival.



For additional information, visit us at progress-energy.com,
e-mail us at lightinginfo@pgnmail.com
or call us toll free at 1.877.887.6287.

Teardrop (Special Order)

Light Source: High-Pressure Sodium (Golden Yellow)

Wattage: 250

Lumens: 28,500

Light Source: Metal Halide (White)

Wattage: 250

Lumens: 20,000

Light Pattern: IESNA Type III (Oval)

IESNA Cutoff Classification: Cutoff



Light Distribution Pattern

Poles Available:

Name	Mounting Heights	Color
New Concrete	27'	Black (additional monthly cost)
Existing Galvanized Metal (painted black)*	Various	Black (additional upfront cost)
Existing Metal Distribution (painted black)*	Various	Black (additional upfront cost)

Note: These black fixtures and poles are not stocked by Progress Energy. They must be special ordered and require up to eight weeks lead time for arrival.

Features

Benefits

No installation cost for new poles**	Frees up capital for other projects
Design services by lighting professionals included	Meets industry standards and lighting ordinances
Maintenance included	Eliminates high and unexpected repair bills
Electricity included	Less expensive than metered service
Warranty included	Worry-free
One low monthly cost on your electric bill	Convenience and savings for you
Turnkey operation	Provides hassle-free convenient installation and service
Backed by over 40 years of experience	A name you can trust today...and tomorrow

*Additional upfront costs are applicable for existing poles that are painted black. Also, these poles will be billed monthly at the special metal pole rate. Lead-based paint on existing metal distribution poles must be stripped per Progress Energy guidelines and poles repainted black.

**Based on normal installation conditions

